



Attorney Docket No. 54275.8010.US00
164A/B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JAMES M. LIPTON ET AL.

APPLICATION NO.: 09/774,282

FILED: JANUARY 29, 2001

FOR: A COMPOUND AND METHOD OF TREATMENT FOR
FUNGAL PATHOLOGIES OF THE ORAL CAVITY

EXAMINER: ROBERT LANDSMAN

ART UNIT: 1647

CONF. NO.: 2528

Supplemental Information Disclosure Statement
After First Office Action but Before Final Action or
Notice of Allowance – 37 C.F.R. § 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following:

04/02/2004 KBETEMA1 00000057 502586 09744282

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180.00 DA

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3/29/04

Date of Deposit

Rena Iov

- Copies of the following references can be found in parent U.S. Application No. :
 - All cited references
 - References marked by asterisks
 - The following:
- This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
 - All cited references
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3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- Applicants elect to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
 - Check enclosed for \$180.00.
 - Please charge the above fee(s) to Deposit Account No. 50-2586
this paper is provided in triplicate.
- Applicants submit that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
 - In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in

a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or

- In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.
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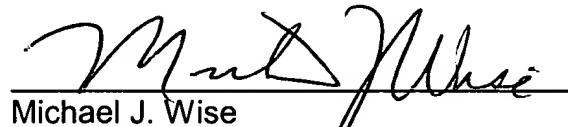
5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,

Perkins Coie LLP

Date: 3/29/04



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2. **Cited Information**

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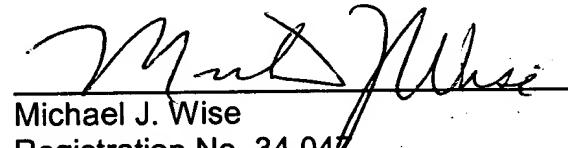
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)			
COMPLETE IF KNOWN			
Application Number		09/774,282	
Confirmation Number		2528	
Filing Date		January 29, 2001	
First Named Inventor		James M. Lipton	
Group Art Unit		1647	
Examiner Name		Robert Landsman	
Attorney Docket No.		54275.8010.US00	
Sheet	1	of	1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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